

**PATENT APPLICATION****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Bradford W. Gutting *et al.* Group Art Unit : 1651  
 Serial No. : 10/666,826 Examiner : Irene Marx  
 Filed : September 16, 2003 Docket : Navy Case 84554  
 Title : GERMINANT PRODUCED FROM IC-21 MACROPHAGES, METHOD AND  
 USE THEREOF

Mail Stop: Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

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 FEB 10 2006

**PETITION TO CORRECT INVENTORSHIP UNDER 37 CFR §1.48**

Applicants hereby respectfully petition the U.S. Patent and Trademark Office to grant a change in inventorship under 37 CFR §1.48(a) for the above-identified application.

In accordance with 37 CFR §1.48(a)(1), Applicants respectfully request the deletion of Lindsay A. Sobota, Amanda S. Schilling and Kelley S. Gaske as named inventors.

The application was originally filed naming Bradford W. Gutting, Tony L. Buhr, Lindsay A. Sobota, Amanda S. Schilling and Kelley S. Gaske as co-inventors. Through error and without deceptive intent, Lindsay A. Sobota, Amanda S. Schilling and Kelley S. Gaske were included as co-inventors. Thus, this Petition to Correct Inventorship is necessitated only by the inclusion through error and without deceptive intent of Bradford W. Gutting and Tony L. Buhr.

In accordance with 37 CFR §1.48(a)(2), a statement from each of the deleted inventors is attached.

In accordance with 37 CFR §1.48(a)(3), a copy of the originally filed declaration as required under 37 CFR §1.63 is attached.

In accordance with 37 CFR §1.48(a)(4), the Commissioner is hereby authorized to charge Deposit Account 50-0967 the amount of \$130.00 in payment the required fee under 37 CFR §1.17(i) to cover the petition fee. The Commissioner is also hereby authorized to charge any additional fees or credit any overpayment associated with this communication to Deposit Account 50-0967.

In accordance with 37 CFR §§1.48(a)(5) and 3.73(b), Assignee's representative consents to the inventorship change, as provided in the attached Consent.

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 10666026

Applicants: Bradford W. Gutting *et al.*  
Serial No.: 10/666,826  
Filed: September 16, 2003  
Page: 2

Attorney Docket No.: Navy Case 84554

Thus, Applicants' representatives under 37 CFR §1.33(b)(1), and as identified in the combined declaration and power of attorney, submit that correction of inventorship is necessary under 37 CFR §1.48(a). Petition for entry of this Amendment is respectfully requested.

Respectfully submitted,



Gerhard W. Thielman  
Registration No. 43,186

Attachments:

Amendment and Response to Restriction Requirement  
Copy of Originally Filed Declaration  
Statements of Deleted Inventors  
Fee Transmittal under Rule 17(i)  
Assignee's Consent

Date: February 10, 2006

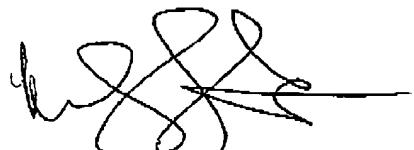
**DEPARTMENT OF THE NAVY**  
**Naval Surface Warfare Center – Dahlgren Division**  
**Office of Counsel – Code XDC1**  
**17320 Dahlgren Road**  
**Dahlgren, Virginia 22448-5100**  
**Telephone: (540) 653-8061**      **Customer No. 23501**

**DEPOSIT ACCOUNT USE  
AUTHORIZATION**  
Please grant any extension  
necessary for entry;  
Charge any fee due to our  
Deposit Account No. 50-0967

August 16, 2004

Inventorship for NC 84554: "Novel Germinant against endospore forming bacteria (B. globigii) obtained and tested in secreted form from IC-21 macrophages""

I, Kelley Gaske, request that my name be removed from patent NC 84554. I originally signed associated paperwork under the impression I was a legitimate co-inventor on this patent. However, after becoming aware of the patent laws on April 29, 2004 I do not believe it is appropriate to be listed as a co-inventor. This error in claiming inventorship was based solely on my unfamiliarity with patent rules and occurred without any deceptive intent.



Kelley Gaske

State of Virginia  
County of King George

The foregoing was acknowledged before me this 16th day of August 2004 by Kelley Gaske.

I was commissioned a notary as Deborah A. Grigsby.

My Commission Expires: 28 February 2008

Deborah A. Blakley  
Notary Public



July 26, 2004

Inventorship for NC 84554: "Novel Germinant against endospore forming bacteria (B. globigii) obtained and tested in secreted form from IC-21 macrophages"

I, Lindsay Sobota request that my name be removed from patent NC 84554. I originally signed associated paperwork under the impression I was a legitimate co-inventor on this patent. However, after becoming aware of the patent laws on April 29, 2004 I do not believe it is appropriate to be listed as a co-inventor. This error in claiming inventorship was based solely on my unfamiliarity with patent rules and occurred without any deceptive intent.

*Lindsay Sobota* 8/4/04  
Lindsay Sobota

State of Virginia  
County of King George

The foregoing was acknowledged before me this 4th day of August 2004 by Lindsay Sobota.

I was commissioned a notary as Deborah A. Grigsby.

My Commission Expires: 2/28/2008

*Deborah G. Blakley*  
DEBORAH G. BLAKLEY

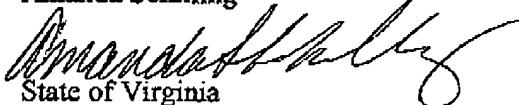


July 22, 2004

Inventorship for NC84554

I, Amanda Schilling request that my name be removed from the patent application numbered NC84554. I originally signed the paperwork under the impression that I was a legitimate co-inventor on this patent. After becoming aware of the patent laws on April 29, 2004, I do not believe it is appropriate to be listed as co-inventor. The error in claiming inventorship was based solely on my unfamiliarity with the patent rules and occurred without deceptive intent.

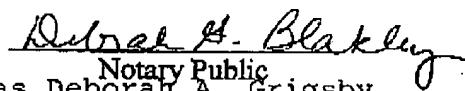
Amanda Schilling



State of Virginia  
County of King George

The foregoing was acknowledged before me this 22nd day of July <sup>2004</sup> by  
Amanda Schilling.

My commission expires: 2/28/08

  
Notary Public

I was commissioned a notary as Deborah A. Grigsby

Navy Case No. 84554

## DECLARATION and POWER OF ATTORNEY for PATENT APPLICATION

As below named inventors, we hereby declare that: Our residence, post office address and citizenship are as stated below next to our name. We believe we are the original inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **GERMINANT PRODUCED FROM IC-21 MACROPHAGES, METHOD AND USE THEREOF**, the specification of which (check one)  is attached hereto  was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code, § 119 (a)-(d) or § 365(b) of any foreign application (s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date:	Priority Not Claimed	Certified Copy Attached? Yes No
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I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application Number:	Filing Date:
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We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, we acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (If applicable)
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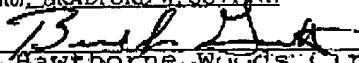
**POWER OF ATTORNEY:** As named inventors, we hereby appoint the following attorney and/or agent to prosecute this application and transact all business in the Patent and Trademark Office connected therewith, (list name and registration number), and hereby certify that the Government of the United States has the irrevocable right to prosecute this application:

SEND CORRESPONDENCE TO: Matthew J. Bussan, Esq.  
NSWCDD (XDC1)  
Dahlgren, VA 22448-5100

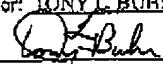
DIRECT TELEPHONE CALLS TO: Matthew J. Bussan, Esq.  
Reg. No. 33,614  
(540) 653-8061

We hereby declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: BRADFORD W. GUTTING

Inventor's signature  Date 9/5/2003  
Residence: 6905 Hawthorne Woods Circle, Fredericksburg, VA 22407  
Citizenship United States Post Office Address Same as above

Full name of second inventor: TONY L. BUHR

Inventor's signature  Date 9/5/2003  
Residence: 8386 Reagan Drive, King George, VA 22485  
Citizenship United States Post Office Address Same as above

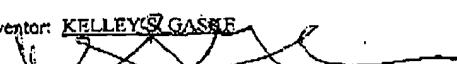
Full name of third inventor: LINDSAY A. SOBOTA

Inventor's signature  Date 9/5/2003  
Residence: 6220 Salisbury Drive, Spotsylvania, VA 22553  
Citizenship United States Post Office Address Same as above

Full name of fourth inventor: AMANDA S. SCHILLING

Inventor's signature  Date 9/10/03  
Residence: 70 King Henry Ct, Fredericksburg, VA 22406  
Citizenship United States Post Office Address Same as above

Full name of fifth inventor: KELLEY S. GASKE

Inventor's signature  Date  
Residence: 12349 Canterbury Ct, King George, VA 22485  
Citizenship United States Post Office Address Same as above

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Bradford W. Gutting *et al.* Group Art Unit : 1651  
Serial No. : 10/666,826 Examiner : Irene Marx  
Filed : September 16, 2003 Docket : Navy Case 84554  
Title : GERMINANT PRODUCED FROM IC-21 MACROPHAGES, METHOD AND  
USE THEREOF

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ASSIGNEE'S CONSENT TO CHANGE INVENTORSHIP**

In accordance with 37 CFR §§1.48(a)(5) and 3.73(b), the Government of the United States as represented by the Secretary of the Navy, assignee of the above-identified application in the name of Bradford W. Gutting *et al.*, hereby consents to the deletion of Lindsay A. Sobota, Amanda S. Schilling and Kelley S. Gaske as co-inventors in the above-identified application.

The United States Government's assignment from assignors Bradford W. Gutting, Tony L. Buhr, Lindsay A. Sobota, Amanda S. Schilling and Kelley S. Gaske was recorded September 16, 2003 on Reel 014537, Frame 0029. The undersigned is authorized to sign this document entitled "Assignee's Consent to Change Inventorship" on behalf of the Secretary of the Navy, as an owner of record.

United States of America,  
As Represented by the Secretary of the Navy

Feb 8, 2006  
Date

James B. Bechtel  
Acting Patent Counsel of the Navy

James B. Bechtel  
Registration No. 29,890  
Office of Naval Research  
Code BDCC  
One Liberty Center  
875 North Randolph Street, Suite 1425  
Arlington, VA 22203-1995  
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PTO/SB/17 (12-04v2)

Approved for use through 07/31/2008, OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

<i>Effective on 12/08/2004.</i> <i>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</i>		<b>Complete if Known</b>	
<b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		Application Number	10/666,826
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	September 16, 2003
<b>TOTAL AMOUNT OF PAYMENT</b> (\$)		First Named Inventor	Bradford W. Gutting et al.
<b>130.00</b>		Examiner Name	Irene Marx
		Art Unit	1651
		Attorney Docket No.	Navy Case 84554

## METHOD OF PAYMENT (check all that apply)

<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>50-0967</u> Deposit Account Name: <b>NSWC DAHLGREN</b>
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

## 2. EXCESS CLAIM FEES

## Fee Description

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
				Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=		50	25
HP = highest number of total claims paid for, if greater than 20.				200	100
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	360	180
- 3 or HP =	x	=			
HP = highest number of independent claims paid for, if greater than 3.					

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x		

## 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition Fee under 37 CFR 1.17(i) Fee Code 1808

130.00

<b>SUBMITTED BY</b>	
Signature	Registration No. 43,186 (Attorney/Agent)
Name (Print/Type)	Gerhard W. Thielman
Date February 10, 2006	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.